

St. Louis City Ordinance 64925

FLOOR SUBSTITUTE

BOARD BILL NO. [99] 311

INTRODUCED BY ALDERMAN ALFRED WESSELS, JR.

AN ORDINANCE PERTAINING TO THE EXERCISE OF PLANNING AND PRESERVATION FUNCTIONS IN THE CITY OF ST. LOUIS; REPEALING SECTIONS FORTY-NINE, FIFTY, FIFTY-THREE AND SIXTY-THREE OF ORDINANCE NO. 64689 AND ENACTING NEW SECTIONS IN LIEU THEREOF; REPEALING PARAGRAPH A OF SECTION FORTY-NINE OF ORDINANCE NO. 64689 AND ENACTING A NEW PARAGRAPH A IN LIEU THEROF; REPEALING PARAGRAPHS 5 AND 6 OF SECTION EIGHT OF ORDINANCE NO. 64687 AND ENACTING NEW PARAGRAPHS 5 AND 6 IN LIEU THEREOF; REPEALING PARAGRAPH 1 OF SECTION SEVEN OF ORDINANCE NO. 64687 AND ENACTING A NEW PARAGRAPH 1 IN LIEU THEREOF; AMENDING PARAGRAPHS 9, 10, 11 AND 12 OF SECTION 8 OF ORDINANCE 64687; AMENDING SECTION SIXTY-TWO OF ORDINANCE NO. 64689; REPEALING PARAGRAPH A OF SECTION SEVENTEEN OF ORDINANCE NO. 64689 AND ENACTING A NEW PARAGRAPH A IN LIEU THEROF; REPEALING PARAGRAPH B OF SECTION NINETEEN OF ORDINANCE NO. 64689 AND ENACTING A NEW PARAGRAPH B IN LIEU THEROF; REPEALING PARAGRAPH C OF SECTION NINETEEN OF ORDINANCE NO. 64689; REPEALING PARAGRAPH B OF SECTION THIRTY-ONE OF ORDINANCE NO. 64689 AND ENACTING A NEW PARAGRAPH B IN LIEU THEREOF; REPEALING PARAGRAPH C OF SECTION THIRTY-ONE OF ORDINANCE NO. 64689; AMENDING SECTION ONE OF ORDINANCE 64689, AND CONTAINING A SEVERABILITY AND EMERGENCY CLAUSE.

Whereas, on July 9, 1999, the Board of Aldermen of the City of St. Louis approved by Ordinances Numbers 64687 & 64689, the creation of the Planning & Urban Design Agency of the City of St. Louis consisting of a Director, a Planning Office, a Cultural Resources Office, a Cultural Resources Director, a Planning Commission and a Preservation Board, all with duties, authority, rights and obligations as more fully set forth therein; and

Whereas, the Board of Aldermen of the City of St. Louis finds that certain duties, authority, rights, obligations procedures of the Planning Commission

and the Preservation Board as well as certain procedures for the application for demolition permits are in need of certain refinement; and

Whereas the Board of Aldermen of the City of St. Louis finds that it is in the best interests of the City of St. Louis to provide for the changes to Ordinances Numbers 64687 & 64689 as provided herein.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Paragraph A of Section Forty-Nine of Ordinance #64689 is hereby repealed and enacted in lieu thereof is a new paragraph A. to read as follows:

A. Unless there shall have been a reconciliation, the Preservation Board shall issue a decision, reversing or affirming, with or without conditions or modifications, the action of the Building Commissioner with respect to the requested permit or make such order, decision or determination as ought to be made. The Preservation Board shall make its decision within fifty-five (55) days after the filing of appeal to the Preservation Board, except that if the Applicant for permit submits evidence in support of a claim that the property cannot be put to a reasonable beneficial use without the approval of the proposed construction, alteration or demolition, the Preservation Board shall have forty-five (45) days following completion of the hearing on the preservation appeal to make its decision, including any determinations required to be made under Section Forty-Seven of this ordinance. The Preservation Board shall promptly notify the parties and the Building Commission in writing of its decision. Such decisions of the Preservation Board as they affect an application for demolition of a structure, whether in whole or in part, are provisional for which review by the Planning Commission is possible consistent with Sections Fifty and Fifty-Three hereof; all other such decisions of the Preservation Board are final for purposes of Section 536.110 RSMo. Notwithstanding the foregoing, a decision of the Preservation Board to grant a demolition permit in which a delay is imposed, as described in subsection B below, is not susceptible to review by the Planning Commission until and unless the period of delay has expired.

SECTION TWO. Section Fifty of Ordinance # 64689 is hereby repealed and a new section is enacted in lieu thereof to read as follows:

SECTION FIFTY. Further appeals: Demolition ♦ Historic District or Landmark/Landmark Site.

An applicant aggrieved by, or any officer, department, board, bureau or commission of the City affected by, a decision of the Preservation Board upon a preservation appeal relating to demolition of a structure, in whole or in part, may request review of such provisional decision by the Planning Commission. Such request shall be in writing and delivered by certified or registered mail, within thirty (30) days of the issuance of the provisional decision, to the Planning Commission in care of the Director of the Planning Office at its then address, with a copy to the Director of the Cultural Resources Office and the City Counselor of the City of St. Louis. The Planning Commission shall review such request at a regular or special meeting held within forty-five (45) days of the receipt thereof. The decision of the Planning Commission to accept or deny such review shall be exercisable in its sole, unrestricted discretion by a vote of a majority of a quorum of the Planning Commission. The Planning Commission shall give written notice of its decision to all affected parties within twenty (20) days. If such decision is to refuse review, then the written notice thereof shall constitute notice to the aggrieved party of the finality of the Preservation Board's decision for purposes of Section 536.110 RSMo. If the decision of the Planning Commission is to accept review, then the notice shall, in addition to notifying all affected parties of the decision, inform all parties of the date and time for such review in accordance with Section Fifty-Three of this Ordinance. The Cultural Resources Office shall immediately refer any application which is the subject of such an appeal as well as the full and complete evidentiary record adduced before the Preservation Board to the Planning Commission prior to the date of the Planning Commission's review.

SECTION THREE. Section Fifty-Three of Ordinance # 64689 is hereby repealed and a new section is enacted in lieu thereof to read as follows:

SECTION FIFTY-THREE. Appeals from decisions of the Preservation Board
◆ Generally.

In reviewing decisions of the Preservation Board under Sections Fifty and Sixty-Three hereof, the Planning Commission shall be limited to determining the correctness of the provisional decision by reviewing the record as adduced before the Preservation Board in light of the applicable and appropriate standard. The Planning Commission may consider both oral and written arguments but no new or additional evidence may be considered. The Planning Commission may continue or adjourn the meeting, or schedule additional sessions to permit full consideration. The Planning Commission shall issue its decision within thirty (30) days after the conclusion of the review, provided,

that if a majority of the Planning Commission finds the matter is unusually complex or that argument is unusually extensive, or both, issuance of its decision may be deferred until not later than sixty (60) days after the conclusion of the consideration. The Planning Commission shall, in writing, affirm, reverse or modify the decision of the Preservation Board. No request for reconsideration or rehearing shall be allowed. The Planning Commission shall give written notice of its decision to all affected parties. The decision shall constitute notice to the aggrieved party of the finality of the Preservations Board's decision for purposes of Section 536.110 RSMo. The Planning Commission may promulgate rules, consistent herewith, and with other applicable law, concerning the conduct of review of provisional decisions from the Preservation Board.

SECTION FOUR. Section Sixty-Three of Ordinance #64689 is hereby repealed and a new section is enacted in lieu thereof to read as follows:

SECTION SIXTY-THREE. Appeals.

Any applicant or current owner of a structure may appeal an initial decision of the Preservation Board or a decision of the Cultural Resources Office under Sections Fifty-Eight to Sixty-Two to the Preservation Board by filing a written notice of such appeal with the Cultural Resources Office within fifteen (15) days after the date of mailing of such decision by the Cultural Resources Office. The Cultural Resources Office shall immediately refer any application which is the subject of such an appeal, and the Cultural Resources Office's entire file thereon, to the Preservation Board for hearing and resolution, based on the criteria set out in Sections Fifty-Eight to Sixty-Two. Requests or applications to the Preservation Board for reconsideration of any such appeal shall not be permitted. The Preservation Board shall issue its provisional decision on applications appealed under this section by the sixtieth working day following receipt of the application by the Office under Section Fifty-Eight. Any such appeal shall be deemed and conducted as a contested case within the meaning of Chapter 536, RSMo., as amended, and shall be appealable and reviewable as in such chapter provided. The Cultural Resources Office is hereby authorized to appeal any decision of the Preservation Board. Request for review of any such decision of the Preservation Board may be made to the Planning Commission as provided in Sections Fifty and Fifty-Three hereof.

SECTION FIVE. Paragraph 5 of Section Eight of Ordinance #64687 is hereby repealed and a new paragraph 5 is enacted in lieu thereof to read as follows:

5. The Planning Commission may hear appeals of decisions of the Preservation Board, consistent with the procedures described in Ordinance #64689 and the Planning Commission may promulgate rules, consistent herewith, and with other applicable law, concerning the conduct of review of such decision.

SECTION SIX. Paragraph 6 of Section Eight of Ordinance #64687 is hereby repealed and a new paragraph 6 is enacted in lieu thereof to read as follows:

6. Any blighting study and redevelopment plan under Chapters 99 (including both Sections 99.430 et. seq. and 99.810 et. seq.), 100 and 353 RSMO shall be submitted to the Planning Commission for its recommendation as to its conformity with the Comprehensive Plan and for such other findings as may be required by law. No ordinance adopting any such blighting study or redevelopment plan shall be adopted over the negative recommendation of the Planning Commission unless it receives the affirmative vote of the majority of all the members of the Board of Aldermen.

SECTION SEVEN. Paragraph 1 of Section Seven of Ordinance #64687 is hereby repealed and a new paragraph 1 is enacted in lieu thereof to read as follows:

1. The Mayor shall appoint a Planning Commission consisting of thirteen members. The following city officials or persons appointed by city officials shall be members: a designee of the Mayor performing economic development activities on behalf of the City and reporting to the Mayor; a designee of the President of the Board of Public Service; a designee of the Comptroller; a designee of the President of the Board of Aldermen; and the Chairs of the Transportation and Housing, Urban Development and Zoning Committees of the Board of Aldermen. The remaining seven members (◆citizen members◆) shall be appointed by the Mayor and shall have a demonstrated interest in City planning and development. One such citizen member shall be a registered architect, one shall be a practicing planner, one shall be a registered engineer, one shall be a registered landscape architect, and one shall have demonstrated expertise in transportation policy and/or planning. Of the citizen members first appointed, two shall serve for terms of four years, two shall serve for terms of two years, two shall serve for terms of three years, and one shall serve for terms of one year. All subsequently appointed citizen members shall serve for four year terms. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. With respect to those members who are either city officials or designees of city officials, in the event any such member is unable

to attend a given meeting of the Planning Commission, then the city official who is himself/herself a member or who designated the non-attending member may appoint a temporary replacement to sit in his or her stead. Such an appointment is revocable at will.❖

SECTION EIGHT. Paragraphs 9, 10, 11 & 12 of Section Eight of Ordinance #64687 are amended to read as follows:

9. The Planning Commission shall provide factual input for planning and development decisions. To that end it may:

- a) Monitor economic, environmental and planning indicators on a neighborhood basis, a city-wide basis and a regional basis;
- b) Monitor the market for housing, economic development and related aspects of the regional, national and international economies in order to inform specific development decisions;
- c) Monitor development trends and initiatives in communities regionally, nationally and internationally to determine their relevance to St. Louis;
- d) Share data and information with city departments and agencies and elected officials, and, as appropriate, with neighborhood groups, businesses, citizens and other political subdivisions and agencies.

10. The Planning Commission may on an on-going basis improve the use of information technology to support planning and development within the City and regionally. To that end it may:

- a) Enhance the use of electronic solutions to share information;
- b) Enhance the use of ❖Geographic Information Systems❖ within the planning and development agencies and the city as a whole;
- c) Increase inter-departmental collaborative efforts to improve the quality of data maintained and used by city departments.

11. The Planning Commission may review proposals of the Planning Office for use of innovative techniques for improvement of areas of the City, for example, the establishment of residential and commercial design overlay districts, and if

it approves them, recommend any appropriate implementing ordinances to the Board of Aldermen.

12. The Planning Commission may consult with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens with relation to the implementation of any plan it approves. All City officials and employees, upon request, shall furnish to the Planning Commission within a reasonable time available information as it requires for its work. The Planning Commission, its members the Agency Director and Planning Office staff, in the performance of their functions, may, to the extent permitted by law, enter upon any land and make examinations and surveys and place and maintain necessary monuments and markers thereon.

SECTION NINE. Section Sixty-Two of Ordinance #64689 is amended to read as follows:

SECTION SIXTY-TWO. Application ♦ Evaluation ♦ Validity of Approval or Denial ♦ Time Requirements.

A. Approvals or denials of applications hereunder shall be valid only for the Owner shown on the demolition application. Requests or applications for reconsideration shall not be permitted with respect to an application;. The Cultural Resources Office may refer any application with respect to which it has been granted review authority to the Preservation Board for initial evaluation and refer any application with respect to which it has been granted review authority to the Preservation Board for initial evaluation and decision hereunder. In performing its evaluation of any application hereunder, the Cultural Resources Office may request further information from an Applicant or Owner, make site visits or photographs, consult or obtain from public or private sources any information pertinent to its evaluation, and may consider the views of Owners of property adjacent to the Structure, of nonprofit neighborhood associations for the area in which the Structure is located, or of established architectural preservation organizations. Any information so obtained and any communications received by the Preservation Board and Office concerning any application shall be summarized in the Preservation Board of Office's decision.

B. No application for demolition permit shall be considered unless filed more than one year from the date of final decision on the merits of the most recent demolition application for the same Structure. ♦ Date of final decision on the merits ♦, for purposes hereof, shall mean the latest date on which there was

rendered a final administrative decision of the Preservation Board with regard to the application, or a decision of a court of competent jurisdiction upon judicial review of the administrative decision. ♦

SECTION TEN. Paragraph A of Section Seventeen of Ordinance #64689 is hereby repealed and a new paragraph A is enacted in lieu thereof to read as follows:

A. Notwithstanding its present zoning designation, an area together with the Improvements therein may be designated an Historic District by ordinance provided that the Preservation Board finds that the area meets one or more of the criteria for designation set out in Section Sixteen.

SECTION ELEVEN. Paragraph B of Section Nineteen of Ordinance #64689 is hereby repealed and a new Paragraph B is enacted in lieu thereof to read as follows:

B. Within forty-five (45) days after such transmittal, the Planning Commission and the Board of Public Service shall review the petition and shall transmit to the Preservation Board such advice and recommendations as they deem appropriate as to: (i) the proposed designation ♦s conformity with the Comprehensive Plan for the City and any applicable neighborhood and development plans; and (ii) the degree to which the proposed designation advances the physical development of the City.

SECTION TWELVE. Paragraph C of Section Nineteen of Ordinance #64689 is hereby repealed.

SECTION THIRTEEN. Paragraph B of Section Thirty-One of Ordinance #64689 is hereby repealed and an new Paragraph B is enacted in lieu thereof to read as follows: ♦

B. Within forty-five (45) days after such transmittal, the Planning Commission and the Board of Public Service shall review the petition and shall transmit to the Preservation Board such advice and recommendations as they deem appropriate as to: (i) the proposed designation ♦s conformity with the Comprehensive Plan for the City and any applicable neighborhood and development plans; and (ii) the degree to which the proposed designation advances the physical development of the City.

SECTION FOURTEEN. Paragraph C of Section Thirty-One of Ordinance #64689 is hereby repealed.

SECTION FIFTEEN. Section One of Ordinance 64689 is amended to change any reference to Section 24.15.110 of the Revised Code of the City of St. Louis, 1994, Annotated to Section 24.16.110 of the Revised Code of the City of St. Louis, 1994, Annotated and shall read as follows:

SECTION ONE. Repeals. Ordinances 57986, except that part of Section One thereof which is presently codified as Sections 24.16.010 to 24.16.090, inclusive, and Section 24.16.110 of the Revised Code of the City of St. Louis, 1994, Annotated, 59368 and 60390 are repealed. Ordinance 63166 and that part of Section One of Ordinance 57986 which is presently codified as Sections 24.16.010 to 24.16.090, inclusive, and Section 24.16.110 of the Revised Code of the City of St. Louis, 1994, Annotated, are repealed effective January 1, 2000.

SECTION SIXTEEN. Severability.

If any provision of this Ordinance shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because of conflicts with any provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatever.

SECTION SEVENTEEN. Emergency Clause.

Passage of this Ordinance being deemed necessary for the immediate preservation of the health and welfare of the residents of the City of St. Louis, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and shall become effective immediately upon its passage and approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
02/25/00	02/25/00	HUDZ	03/24/00	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
03/24/00			04/17/00	04/17/00
ORDINANCE	VETOED		VETO OVR	
64925				